



PLANNING COMMISSION AGENDA

Wednesday, May 28, 2008

6:30 p.m. Regular Meeting

Council Chambers
First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair
Randi Kinman, Vice-Chair

Xavier Campos	Lisa Jensen
Matt Kamkar	Christopher Platten
Jim Zito	

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Ash Kalra** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday May 28, 2008**. Please remember to turn off your cell phones and pagers. Parking ticket validation machine for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4.a., not PD06-023.**

The procedure for this hearing is as follows:

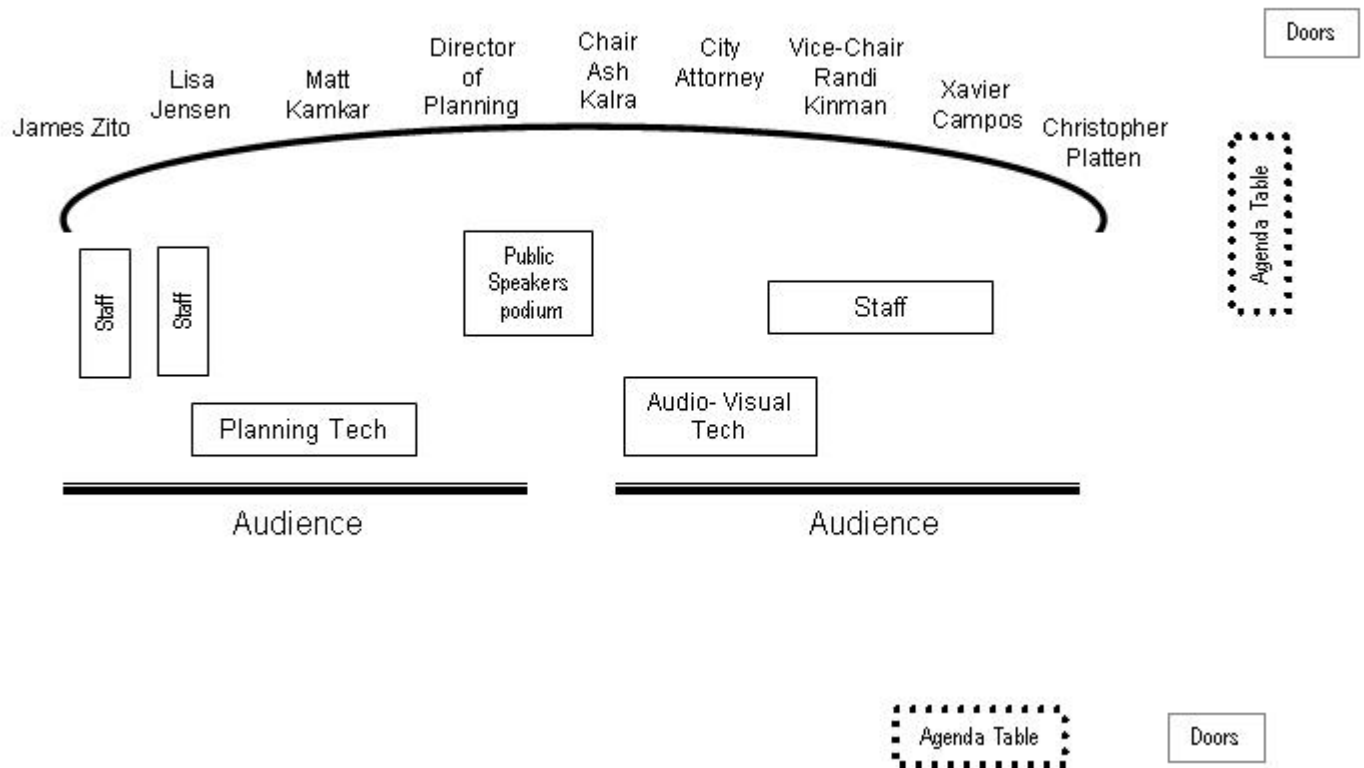
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezoning and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

***Note:** If you have any agenda questions, please contact Carmen Stanley at (408) 535-7856 or email carmen.stanley@sanjoséca.gov*

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **CP06-072**. Conditional Use Permit Renewal to allow continued operation of a public eating, drinking, and entertainment establishment, with late night use until 2:00 a.m. daily on a 0.19 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the west side of South 2nd Street, approximately 70 feet north of East San Fernando Street (85 S 2ND ST)(Second Street 88 Colin Cheung, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

Staff Recommendation:

Defer to 06/11/2008

- c. **CP07-106**. Conditional Use Permit for an eating, drinking and entertainment establishment with late night use until 2:00 a.m. daily on a 0.06 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of South Second Street approximately 100 feet north of East San Fernando Street (83 S 2ND ST)(Second Street 88, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

Staff Recommendation:

Defer to 06/11/2008

- d. **PDC06-018**. Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning to allow up to 6 single-family detached residences on a 0.69 gross acre site, located on the north side of Michigan Avenue approximately 350 feet easterly of North 1st Street (Schulman, Bennie and Linda S, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.McMORROW*

Staff Recommendation:

Drop

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **CA08-001**. Conservation Area Amendment to allow a seven-parcel expansion of the current boundaries of the Hanchett and Hester Park Conservation Area to include the following single-family detached residences: 23, 26, 27, 28, 31, 34, and 36 Tillman Avenue. Cassandra Ravenscroft, project proponent. Council District: 6. SNI: None. CEQA: Exempt. Historic Landmark Commission approved 05/07/2008. *PROJECT MANAGER, D.McBAIN*

Staff Recommendation:

Recommend approval for a Conservation Area Amendment to allow a seven-parcel expansion of the current boundaries of the Hanchett and Hester Park Conservation Area to include the following single-family detached residences: 23, 26, 27, 28, 31, 34, and 36 Tillman Avenue as recommended by staff.

- b. **CP08-015**. Conditional Use Permit to allow a second drinking establishment and late night use until 2:00 a.m. at an existing hotel on a 0.96 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the southwest corner of South Market Street and West San Carlos Street (MARRIOTT HOTEL 301 S MARKET ST)(Walton San Jose Investora LLC, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

Staff Recommendation:

Recommend approval of a Conditional Use Permit to allow a second drinking establishment and late night use until 2:00 a.m. at an existing hotel on a 0.96 gross acre site in the DC Downtown Primary Commercial Zoning District as recommended by staff.

- c. **PDC07-068**. Planned Development Rezoning from R-2 Residence Zoning District to A(PD) Planned Development Zoning District to allow three new single-family detached residences and one existing single-family residence on a 0.34 gross acre site, located at the southeast corner of Vine Street and Floyd Street (1312 Vine St.)(Keys Melvin L And Margaret G, Owner). Council District 3. SNI: Washington. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

Staff Recommendation:

Recommend Approval of a Planned Development Rezoning from R-2 Residence Zoning District to A(PD) Planned Development Zoning District to allow three new single-family detached residences and one existing single-family residence on a 0.34 gross acre site as recommended by staff.

- d. [PDC08-018](#). Planned Development Rezoning from CG Commercial General Zoning District to A(PD) Planned Development Zoning District for construction of two live/work units on a 0.08 gross acre site, located on the west side of North 4th Street, approximately 230 feet north of East St. James Street (237 N 4TH ST) (Zajonc Larry W And Smith-Zajonc Janice A Tr, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

Staff Recommendation:

Recommend Approval of a Planned Development Rezoning from CG Commercial General Zoning District to A(PD) Planned Development Zoning District for construction of two live/work units on a 0.08 gross acre site as recommended by staff.

- e. [PDC07-089](#). Planned Development Prezoning from Unincorporated County to A(PD) Planned Development to allow up to 6 attached single-family residences on a 0.43 gross acre site, located on the south side of Douglas Street approximately 200 feet easterly of S. Willard Avenue (1480 DOUGLAS ST) (Basheer Salameh, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, M.DAVIS*

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend Approval of Planned Development Prezoning from Unincorporated County to A(PD) Planned Development to allow up to 6 attached single-family residences on a 0.43 gross acre site as recommended by staff.

The following items are considered individually.

4. PUBLIC HEARINGS

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [PDC07-072](#). Planned Development Rezoning for a Master Plan for the Bellarmine College Preparatory Campus. The project includes demolition of about 47,000 square feet of existing buildings and the new construction of 135,884 square feet resulting in 272,578 square feet (total), as well as allowing a maximum student population of 1,750 students (currently 1570) on an existing private high school on an approximately 30.05 gross acre site, located in the area generally bounded by W. Hedding Street, Caltrain right-of-way, Stockton Avenue, Emory Street and Elm Street (960 W. Hedding Street)(Bellarmine College Preparatory, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 05/07/08 and Re-noticed. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend Approval of a Planned Development Rezoning for a Master Plan to allow demolition of about 47,000 square feet of existing buildings and new

construction of 135,884 square feet, resulting in a total of 272,578 square feet and to allow a maximum student population of 1,750 students for an existing private high school on an approximately 30 gross acre site as recommended by staff.

- b. [PDC07-042](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow the addition of commercial uses including office, retail, restaurant and warehouse uses within an existing industrial building on a 4.01 gross acre site, located on the south side of Murphy Avenue approximately 400 feet easterly of Oakland Road (1180 MURPHY AV)(Bhupindar S. Dhillon Trustee & Et Al and Satindar Dhillon, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

Staff Recommendation:

Recommend Approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow the addition of commercial uses including office, retail, restaurant and warehouse uses within an existing industrial building on a 4.01 gross acre site as recommended by staff.

- c. [PDC08-012](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to subdivide one parcel into two lots for an existing eating establishment and an existing single-room occupancy (SRO) living unit facility and to add new vehicular parking areas on a 2.88 gross acres site, located on the east side of Monterey Road approximately 700 feet northerly of Tully Road (2112 MONTEREY RD) (Emergency Housing Consortium, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

Staff Recommendation:

Recommend approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to subdivide one parcel into two lots for an existing eating establishment and an existing single-room occupancy (SRO) living unit facility and to add new vehicular parking areas on a 2.88 gross acres site as recommended by staff.

- d. [PDC06-067](#). Planned Development Rezoning from IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residences and a 2.58 acre public park on a 14.3 gross acre site, located on the southeast corner of River Oaks Parkway and Seeley Avenue. (Essex Portfolio, LP, Owner / Essex Property Trust, Inc., Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. *PROJECT MANAGER, J.BATY*

Staff Recommendation:

Consider the Addendum to North San José EIR in accordance with CEQA. Recommend Approval of a Planned Development Rezoning from IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residences and a 2.58 acre public park on a 14.3 gross acre site as recommended by staff.

- e. [PDC06-131](#). Planned Development Rezoning from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow 10 single-family attached and detached residences on a 1.0 gross acre site, located on the west side of Lucretia Avenue approximately 250 feet south of Bellhurst Avenue (Faucher Fred L And Constance M, Owner). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, M.DAVIS*

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA.
Recommend Approval of a Planned Development Rezoning from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow 10 single-family attached and detached residences on a 1.0 gross acre site as recommended by staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
- 1) Responding to statements made or questions posed by members of the public; or
 - 2) Requesting staff to report back on a matter at a subsequent meeting; or
 - 3) Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' report from Committees:
- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
 - 2) Parks Funding Subcommittee (Zito).
 - 3) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of synopsis for 05/07/08 and 05/14/08.
- d. Consider Study Session dates and/or topics.
Consider dates for the Planning Commission Retreat.

8. ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review & Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing & Housing Element</i>	Room T-332
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-1654
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing, or engaging in any other activity in a manner that disturbs, disrupts, or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking, or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.